



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2620

DATE SCANNED 3/11/14

SCANNER NO. 2

SCAN OPERATOR EES

14092694201



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 JAN 18 PM 4: 17

January 18, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director *PCO*

FROM: Patricia C. Orroek  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *CR*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 12 Day Pre-General Report  
(Authorized Committees) For The Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2012 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The 12 Day Pre-General Report was due on October 25, 2012. The list is comprised of authorized committees whose candidates sought election in the General Election held on November 6, 2012.

The committees listed on the attached RTB Circulation Report either filed the election sensitive report after the due date, failed to file the report or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2012 PRE-GENERAL Election Sensitive 10/25/2012 AUTHORIZED

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2619	C00506592	COMMITTEE TO ELECT WENDY ROSEN FOR CONGRESS	ROSEN, WENDY W	STEVEN D. ROSEN	\$303,264	0		Not Filed	\$75,816 (est)	\$4,400
2620	C00511451	JOHN HERNANDEZ FOR CONGRESS 2012	HERNANDEZ, JOHN S	KAREN HERNANDEZ	\$195,525	0	11/1/2012	7	\$28,323	\$505
2621	C00413096	KANSANS FOR HUEL SKAMP	HUEL SKAMP, TIMOTHY A REPRESENTA	RON SCHNEWEIS	\$1,152,142	0	11/1/2012	7	\$74,329	\$1,072
2622	C00514489	KENNETH SANDERS FOR CONGRESS CAMPAIGN	SANDERS, KENNETH	ESQUE SANDERS, JR.	\$248,893	1	11/1/2012	7	\$9,515	\$225
2623	C00515866	MACGOVERN FOR US SENATE	MACGOVERN, JOHN	JOHN REZZONICO	\$182,593	0	10/31/2012	6	\$31,467	\$480
2624	C00492371	RANDALL TERRY FOR PRESIDENT CAMPAIGN COMMITTEE	TERRY, RANDALL A	MARIO G. PAVEGLIO	\$797,114	0	11/18/2012	Not Filed	\$115,148	\$5,500
2625	C00511220	ROSEANNE FOR PRESIDENT 2012	BARR, ROSEANNE	JOAN CHRISTIAN	\$109,811	0		Not Filed	\$36,604 (est)	\$1,400

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2012 )  
12 Day Pre-General Report (Authorized )  
Committees) For The Administrative Fine )  
Program: )  
COMMITTEE TO ELECT WENDY ) AF# 2619  
ROSEN FOR CONGRESS, and STEVEN )  
D ROSEN as treasurer; )  
JOHN HERNANDEZ FOR CONGRESS ) AF# 2620  
2012, and KAREN HERNANDEZ as )  
treasurer; )  
KANSANS FOR HUELSKAMP, and ) AF# 2621  
SCHNEWEIS, RON as treasurer; )  
KENNETH SANDERS FOR CONGRESS ) AF# 2622  
CAMPAIGN, and ESQUE SANDERS JR )  
as treasurer; )  
MACGOVERN FOR US SENATE, and ) AF# 2623  
JOHN REZZONICO as treasurer; )  
RANDALL TERRY FOR PRESIDENT ) AF# 2624  
CAMPAIGN COMMITTEE, and )  
PAVEGLIO, MARIO G. as treasurer; )  
ROSEANNE FOR PRESIDENT 2012, and ) AF# 2625  
JOAN CHRISTIAN as treasurer; )

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 23, 2013 the Commission took the following actions on the Reason To Believe Recommendation - 2012 12 Day Pre-General Report (Authorized Committees) For The Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated January 18, 2013, on the following committees:

AF#2619 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT WENDY ROSEN FOR CONGRESS, and STEVEN D ROSEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2620 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN HERNANDEZ FOR CONGRESS 2012, and KAREN HERNANDEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2621 Decided by a vote of 6-0 to: (1) find reason to believe that KANSANS FOR HUELSKAMP, and SCHNEWEIS, RON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2622 Decided by a vote of 6-0 to: (1) find reason to believe that KENNETH SANDERS FOR CONGRESS CAMPAIGN, and ESQUE SANDERS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2623 Decided by a vote of 6-0 to: (1) find reason to believe that MACGOVERN FOR US SENATE, and JOHN REZZONICO as treasurer violated 2 U.S.C. 434(a) and

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make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2624 Decided by a vote of 6-0 to: (1) find reason to believe that RANDALL TERRY FOR PRESIDENT CAMPAIGN COMMITTEE, and PAVEGLIO, MARIO G. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2625 Decided by a vote of 6-0 to: (1) find reason to believe that ROSEANNE FOR PRESIDENT 2012, and JOAN CHRISTIAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

January 23, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 24, 2013

Karen Hernandez, in official capacity as Treasurer  
John Hernandez for Congress 2012  
5599 W Pinedale Ave.  
Fresno, CA 93722

C00511451  
AF#: 2620

Dear Ms. Hernandez:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through October 17, 2012, shall be filed no later than October 25, 2012. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on November 1, 2012, seven (7) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On January 23, 2013, the FEC found that there is reason to believe ("RTB") that John Hernandez for Congress 2012 and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 25, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$505. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$505 is due within forty (40) days of the finding, or by March 4, 2013, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$28,323  
Number of Days Late: 7  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or March 4, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that John Hernandez for Congress 2012 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$505 for the 2012 Pre-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by March 4, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: John Hernandez for Congress 2012

FEC ID#: C00511451

AF#: 2620

PAYMENT DUE DATE: March 4, 2013

PAYMENT AMOUNT DUE: \$505

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 APR 12 PM 2: 57

April 11, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickerall *JP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2012 12 Day Pre-General Report (Authorized Committees)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 12 Day Pre-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, two (2) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Both committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. An overview of each of these cases has been provided below.

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Committee to Elect Wendy Rosen for Congress (AF 2619) filed the 2012 12 Day Pre-General Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$112 (previously estimated to be \$75,816), thus the fine would be lowered from \$4,400 to \$112.

Roseanne for President 2012 (AF 2625) filed the 2012 12 Day Pre-General Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$3,434 (previously estimated to be \$36,604), thus the fine would be lowered from \$1,400 to \$550.

Also, the treasurer for the Kenneth Sanders for Congress Committee (AF 2622) filed a letter of resignation after the RTB finding. The FD finding will be against the "Office of Treasurer" as the committee has not yet filed an Amended Statement of Organization to appoint a new treasurer (see first list).

#### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission  
FD Circulation Report Fine Paid  
2012 PRE-GENERAL Election Sensitive 10/25/2012 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2622	KENNETH SANDERS FOR CONGRESS COMMITTEE	SANDERS, KENNETH	C00514489	OFFICE OF TREASURER	11/01/2012	7	\$9,515	1	01/23/2013	\$225	\$225	03/01/2013	\$225
2623	MACGOVERN FOR US SENATE	MACGOVERN, JOHN	C00515866	JOHN REZZONICO	10/31/2012	6	\$31,467	0	01/23/2013	\$480	\$480	03/04/2013	\$480
2624	RANDALL TERRY FOR PRESIDENT CAMPAIGN COMMITTEE	TERRY, RANDALL A	C00492371	MARIO G. PAVEGLIO	11/18/2012	Not Filed	\$115,148	0	01/23/2013	\$5,500	\$5,500	02/15/2013	\$5,500

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2012 PRE-GENERAL Election Sensitive 10/25/2012 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2619	COMMITTEE TO ELECT WENDY ROSEN FOR CONGRESS	ROSEN, WENDY W	C00506592	STEVEN D. ROSEN	01/28/2013	Not Filed	\$112	0	01/23/2013	\$4,400	79	\$112
2620	JOHN HERNANDEZ FOR CONGRESS 2012	HERNANDEZ, JOHN S	C00511451	KAREN HERNANDEZ	11/01/2012	7	\$28,323	0	01/23/2013	\$505	79	\$505
2625	ROSEANNE FOR PRESIDENT 2012	BARR, ROSEANNE	C00511220	JOAN CHRISTIAN	01/31/2013	Not Filed	\$3,434	0	01/23/2013	\$1,400	79	\$550

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Administrative Fine Program - Final	)	
Determination Recommendation for the 12	)	
Day Pre-General Report (Authorized	)	
Committees):	)	
COMMITTEE TO ELECT WENDY	)	AF# 2619
ROSEN FOR CONGRESS, and STEVEN	)	
D ROSEN as treasurer;	)	
JOHN HERNANDEZ FOR CONGRESS	)	AF# 2620
2012, and KAREN HERNANDEZ as	)	
treasurer;	)	
MACGOVERN FOR US SENATE, and	)	AF# 2623
JOHN REZZONICO as treasurer;	)	
RANDALL TERRY FOR PRESIDENT	)	AF# 2624
CAMPAIGN COMMITTEE, and	)	
PAVEGLIO, MARIO G. as treasurer;	)	
ROSEANNE FOR PRESIDENT 2012, and	)	AF# 2625
JOAN CHRISTIAN as treasurer;	)	

**CERTIFICATION**

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 15, 2013 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 12 Day Pre-General Report (Authorized Committees) as recommended in the Reports Analysis Division's Memorandum dated April 11, 2013, on the following committees:

AF#2619 Decided by a vote of 5-0 to: (1) make a final determination that COMMITTEE TO ELECT WENDY ROSEN FOR CONGRESS, and STEVEN D ROSEN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2620 Decided by a vote of 5-0 to: (1) make a final determination that JOHN HERNANDEZ FOR CONGRESS 2012, and KAREN HERNANDEZ as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2623 Decided by a vote of 5-0 to: (1) make a final determination that MACGOVERN FOR US SENATE, and JOHN REZZONICO as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2624 Decided by a vote of 5-0 to: (1) make a final determination that RANDALL TERRY FOR PRESIDENT CAMPAIGN COMMITTEE, and PAVEGLIO, MARIO G. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2625 Decided by a vote of 5-0 to: (1) make a final determination that ROSEANNE FOR PRESIDENT 2012, and JOAN CHRISTIAN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 16, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

14092694216





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 16, 2013

Karen Hernandez, in official capacity as Treasurer  
John Hernandez for Congress 2012  
5599 W Pinedale Ave.  
Fresno, CA 93722

C00511451  
AF#: 2620

Dear Ms. Hernandez:

On January 23, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that John Hernandez for Congress 2012 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 Pre-General Report. By letter dated January 24, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$505 in accordance with the schedule of penalties at 11 CFR § 111.43. Within 40 days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on April 15, 2013 that John Hernandez for Congress 2012 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$505 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$28,323  
Number of Days Late: 7  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents'

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right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

## **3. If You Choose to Pay the Civil Money Penalty**

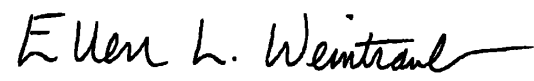
If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

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On behalf of the Commission,

A handwritten signature in cursive script that reads "Ellen L. Weintraub". The signature is written in dark ink and includes a long horizontal flourish at the end.

Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$505 for the 2012 Pre-General Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: John Hernandez for Congress 2012

FEC ID#: C00511451

AF#: 2620

PAYMENT AMOUNT DUE: \$505

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**U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE**

**Cross-Servicing Program and Treasury Offset Program**

**Agreement to Certify Federal Nontax Debts**

This Agreement to Certify Federal Nontax Debts (Certification Agreement) is submitted by:  
Federal Election Commission (FEC) (Creditor Agency).

**Section I: Background**

- A. The U.S. Department of the Treasury, Bureau of the Fiscal Service (Fiscal Service), provides debt collection services to Federal agencies that are owed delinquent debt.
- B. Federal agencies are generally required to submit debts that have been delinquent for 180 days to Fiscal Service for debt collection services, and may submit debts sooner if the necessary prerequisites are met. See 31 U.S.C. §§ 3711(g) and 3716(c).
- C. Upon submitting debts to Fiscal Service for debt collection services, Federal agencies are required to certify to Fiscal Service, among other things, that the debts are valid, legally enforceable, there are no bars to collection, and all requisite due process has been completed, as set forth in this Certification Agreement.
- D. The definitions of terms used in this Certification Agreement are in Attachment A, Certification Terminology.

**Section II: General Provisions**

The Creditor Agency understands and agrees to the following:

- A. **Scope.** The provisions of this Certification Agreement apply to all Debts submitted by Electronic Transmission on or after the date of the Certification Agreement by the Creditor Agency to Fiscal Service for collection through the Cross-Servicing Program and/or the Treasury Offset Program.
- B. **Certification Authority.** Only an individual with delegated authority to certify a Debt on behalf of the Creditor Agency will submit a Debt to Fiscal Service via an Add Record or Update Record. The Creditor Agency will provide a copy of this Certification Agreement to any such individual.
- C. **Changes to Debt Information.**
  - 1. The Creditor Agency understands its obligation to notify Fiscal Service: (a) of any change in the amount, validity, or legal enforceability of the Debt; and (b) if the Debt becomes subject to circumstances that legally preclude or bar collection.

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2. The Creditor Agency authorizes Fiscal Service to Update Records on its behalf, in accordance with criteria established by Fiscal Service, for the purpose of adding alias Debtor name information for a Debt certified by the Creditor Agency. Creditor Agency will notify Fiscal Service as soon as it learns that any such updates are incorrect.

### **Section III: Debt Certification**

The Creditor Agency understands that by submitting a Debt to Fiscal Service via an Add Record or Update Record, the individual submitting the Debt is certifying to Fiscal Service, in writing, under penalty of perjury, that, to the best of his or her knowledge and belief, the following is true and correct:

#### **A. General Prerequisites for Collection.**

1. ***Valid Debts.*** The Creditor Agency has made a final determination that the Debt is valid and legally enforceable in the amount stated, and that the Debt is not subject to any circumstances that legally preclude or bar collection.
2. ***Delinquent Debts.*** The Debt is delinquent, and the Debtor is not paying the Debt in accordance with any repayment plan agreed to by the Creditor Agency.
3. ***Interest, Penalties, and Administrative Costs.*** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 31 CFR § 901.9, as well as other statutes, regulations, and policies applicable to Creditor Agency's assessment of interest, penalties, and administrative costs on the Debt. The Creditor Agency has provided a written notice to the Debtor explaining the Creditor Agency's requirements concerning the assessment of interest, penalties, and administrative costs.
4. ***Debtor Disputes.*** The Creditor Agency has considered any and all evidence presented by the Debtor disputing the Creditor Agency's determination about the Debt, and there are no pending appeals of such determination that would preclude collection of the Debt.
5. ***Collection Efforts.*** The Creditor Agency has made reasonable efforts to obtain payment of the Debt, including, at a minimum, by demanding payment of the Debt.
6. ***Creditor Agency Profile Form.*** The Creditor Agency has completed the Creditor Agency Profile Form(s) and has ensured that the Creditor Agency Profile Form(s) are accurate and up-to-date. The Creditor Agency must complete a separate Creditor Agency Profile Form for each distinct program area under which Debts arise, unless the program areas are substantially similar.

#### **B. General Prerequisites for Collection by Offset, including Tax Refund Offset.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized Fiscal Service to collect the Debt by offsetting Federal and State tax and nontax payments:

1. ***Compliance with Offset Laws.*** The Creditor Agency has complied with all of the

provisions of 31 U.S.C. §§ 3716 and 3720A, 31 CFR Part 285, and the Federal Claims Collection Standards (31 CFR Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to the collection of the Debt by offset.

2. **Due Process Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with:
  - a. a written notification, at the Debtor's most current known address, of the nature and the amount of the Debt, the intention of the Creditor Agency to collect the Debt through offset, including offset of Federal and State payments, and an explanation of the rights of the Debtor;
  - b. an opportunity to inspect and copy the records of the Creditor Agency with respect to the Debt;
  - c. an opportunity for review of the Creditor Agency's determination with respect to the Debt, including an opportunity to present evidence that all or part of the Debt is not delinquent or legally enforceable; and
  - d. an opportunity to enter into a written repayment agreement with the Creditor Agency.
3. **Due Process Prerequisites for Certain Older Debts.** For a Debt outstanding more than ten years on or before December 28, 2009, the Creditor Agency sent the notice described in Section III.B.2.a to the last known address of the Debtor after the Debt was outstanding for more than ten years, and afforded the Debtor the opportunities described in Sections III.B.2.b. - III.B.2.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 28, 2009.

C. **Prerequisites for Collection by Federal Salary Offset.** If, through a Salary Offset Instruction, the Creditor Agency has authorized Fiscal Service to collect the Debt by offsetting Federal salary payments:

1. **Compliance with Federal Salary Offset Laws.** The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 CFR §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset; and
2. **Due Process Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with the notification and opportunities required by Sections III.B.2. and III.B.3., and any other notices, opportunities, or considerations required for Federal salary offset.

D. **Consumer Reporting Agencies.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized Fiscal Service to disclose Debts to consumer reporting agencies:

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1. **Compliance with Consumer Reporting Agency Requirements.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations, and policies applicable to the reporting of a delinquent Debt to consumer reporting agencies.
  2. **Notice Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency provided the Debtor with:
    - a. notification that the Debt is overdue and the Creditor Agency intends to disclose that the Debtor is responsible for the Debt to a consumer reporting agency;
    - b. the specific information to be disclosed to the consumer reporting agency; and
    - c. the Debtor's rights to an explanation of the claim, dispute the information in the Creditor Agency's records about the claim, and an administrative appeal or review of the claim; and
  3. **Review Prerequisites.** Upon the request of a Debtor, the Creditor Agency has provided for a review of the Debtor's claim(s), including an opportunity for reconsideration of the initial decision on the Debt.

#### **Section IV: Certification**

By signing below, I certify that I have delegated authority to execute this Certification Agreement on behalf of the head of Creditor Agency and understand this agreement applies to all debts submitted by Electronic Transmission on or after the date of the Certification Agreement to Fiscal Service for collection through the Cross-Servicing Program and/or the Treasury Offset Program.

  
\_\_\_\_\_  
Signature

Judy Berning  
\_\_\_\_\_

Print Name

Acting Chief Finance Officer  
\_\_\_\_\_

Title

December 4, 2013  
\_\_\_\_\_  
Date





FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2620

DATE SCANNED

3/11/14

SCANNER NO.

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SCAN OPERATOR

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